Examiners Amendment

1.   In Applicant's appeal brief dated 09/08/2008, applicant presents arguments in rebuttal of the final

rejection mailed 05/27/2009. Claims 58-79 have been cancelled.

The Examiner initiated a telephonic interview to discuss what was believed to be a difference in

interpretation of the independent claims and what was cited in the prior art (please see attached

for more discussion).

As a result of the interview, Applicant's amendments are persuasive to overcome the prior art.

An examiner's amendment to the record appears below. Should the changes and/or additions be

unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure

consideration of such an amendment, it MUST be submitted no later than the payment of the

issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey

Canfield on 12/04/2009.

In the claim, please see the amended claim in the attached PDF document.

Allowable Subject Matter

2.   Claims 1, 3-57 are allowed.

3.   The following is an examiner's statement of reasons for allowance:

Claims 1, 18 and 34

        The closest prior art of Harris et al (6505341) teaches a process of configuring states into

a logic control unit such as a state machine. Harris teaches a user interface that allows the user

to define states and levels of a control program. The user can assign states to a given input of the

state machine. The difference between the prior art of Harris and the present invention claims is

that the inputs are arranged graphically as a matrix that allows the user to select a cell and a corresponding input and state appear in the cell and per state transition data the data then indicates the next state to which the process plant conditions dictate. Harris does not suggest operations in a process plant or to indicate the next state in the matrix.

The prior art of Brandl teaches a process plant recipe editor that allows a user to configure inputs to the plant processes. The recipe editor allows the user to configure inputs to force the devices to change state. The inputs can be pairs such as adding ingredient A and B and then heating to a specific temperature. The graphical elements dragged on to the editor or manipulated via configuration screens do not suggest or disclose the amended features of the claim. Brandl does not suggest or disclose at least the amended feature of a first set of cells arranged in a first and second dimension with positions along the first dimension corresponding to state machine states and the second dimension corresponding to state machine inputs with a cell relative to the first and second dimension correspond to input pairs to the state machine. Therefore, the claims are allowed over the prior art of Brandl.

The prior art of Heimlich teaches a state machine graphical interface that allows the user to arrange inputs and outputs to/from the state machine. Heimlich teaches using virtual tools to configure the inputs and outputs but the tools are not expressed or suggested as allowing via the GUI the user to select cells in a matrix. Heimlich does not suggest or disclose at least the amended feature of a first set of cells arranged in a first and second dimension with positions along the first dimension corresponding to state machine states and the second dimension corresponding to state machine inputs with a cell relative to the first and second dimension correspond to input pairs to the state machine.

The prior art above does not suggest either alone or in combination the features of the amended claims as outlined above. Therefore the claims are allowed over the prior art.

Claims 3-17, 19-33 and 35-57:

These claims are dependent upon Claims 1, 18 and 34 and are thus are allowable for the same reasons indicated above.

101 issues

The method claim 1 recites a "computing device having a display and in input device with a GUI displayed on the device, and the method of claim 34 also recites a GUI displayed on a display device. These limitations are interpreted as tying the method to a display, which meets the test under Bilski.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven B. Theriault/
Primary Examiner, Art Unit 2179